

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

12	TRAVIS BONDURANT	)	Case No.: 10cv1945 AJB (JMA)
13	Plaintiff,	)	
14	v.	)	ORDER DENYING PLAINTIFF'S
15	PEOPLE OF THE STATE OF	)	MOTION FOR TEMPORARY
16	CALIFORNIA, et al.	)	RESTRAINING ORDER AND
	Defendants.	)	PRELIMINARY INJUNCTION

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On March 28, 2011, Plaintiff filed a Motion for an Order to Show Cause for a Preliminary Injunction and Motion for Temporary Restraining Order (Doc. No. 43).


In his motion, Plaintiff alleges that the Defendants and others are performing research on him and controlling his "liberty of conscience" with "Brainwave technology known as NeuroFeedback technology." Plaintiff's motion asks that the Court set a hearing and require the Defendants to show cause as to why a preliminary injunction should not be issued enjoining the Defendants and others from continuing in their alleged research activities which inflict "cruel and unusual pain to [his] brains and bodies." During the period of time leading up to the hearing, Plaintiff seeks a temporary restraining order to enjoin the Defendants' alleged actions in the meantime.

1 When determining whether to grant a temporary restraining order or preliminary injunction, the  
2 Court applies the preliminary injunction standard articulated in *Winter v. Natural Res. Def. Council,*  
3 *Inc.*, 555 U.S. 7, 129 S. Ct. 365, 374 (2008). The party seeking the temporary restraining order or  
4 preliminary injunction must demonstrate: (1) the likelihood of success on the merits; (2) the likelihood  
5 of irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor;  
6 and (4) that an injunction is in the public interest. *Id.* at 374. Plaintiff's motion mistakenly suggests that  
7 it is the Defendants' burden to show cause in opposition to Plaintiff's request for a temporary restraining  
8 order and preliminary injunction when, in fact, Plaintiff bears that burden as the movant. Accordingly,  
9 the Court must consider whether Plaintiff's motion satisfies the preliminary injunction standard.  
10 Plaintiff's motion consists of a long and disjointed list of those actions taken by the Defendants and  
11 others that he seeks to enjoin. However, there is no reference made to any evidence that the Plaintiff  
12 will be able to offer in order to establish that the Defendants' or others are engaged in the actions listed  
13 in his motion. As such, Plaintiff has not established a likelihood of success on the merits. Because  
14 Plaintiff failed to show the requisite likelihood of success on the merits, the Court does not consider the  
15 remaining three factors.

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17 For the foregoing reasons, Plaintiff has not carried his burden of showing that a temporary  
18 restraining order or preliminary injunction should be issued. Accordingly, the Court DENIES Plaintiff's  
19 motion.

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21 IT IS SO ORDERED.

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23 DATED: April 8, 2011

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26 Hon. Anthony J. Battaglia  
27 U.S. District Judge  
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